

# NEW JERSEY MILITIA

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The Sheriff, Protector of the People

Historically the highest-ranking peace officer in the county has been the sheriff, who is elected by the people. The New Jersey legislature, however, has subordinated the sheriff to the county prosecutor. Like the Soviet procurator the prosecutor owes his allegiance to the central authority rather than to the people. He is appointed by the governor. He reports to the attorney general who is also a gubernatorial appointee. Thus the sheriff, the peace officer, the one directly accountable to the people, has been overshadowed by the law enforcement officer, the county prosecutor. This could lead to disaster, should the Attorney General in Washington work through his counterpart in Trenton, and, through him, directly with the county prosecutor. Rule and oppression by appointed officials and federal police could thereby become the established norm.

It is unlikely that the killing of peaceable Americans by federal police at Ruby Ridge, Idaho; Waco, Texas, and elsewhere around the country would have occurred had the perpetrators had to work through the sheriff. The federal police have been militarized (they cross-train with army rangers and Special Forces); it seems that they sometimes look upon the people as an enemy to be conquered. They have no time for sheriffs. We therefore endorse US Rep. Helen Chenoweth's Sheriff Check-off bill, which is based in part on Hamilton's observation that "Where the whole power of the government is in the hands of the people, there is the less pretense of the uses of violent remedies in partial or occasional distempers of the State." *The Federalist Papers*, # 21

To check such "distempers of the State" Mrs. Chenoweth's bill would require the (nearly 60,000 armed) federal police who are at present roaming the states to obtain written permission from the county sheriff before making an arrest or search, except for crimes in commission, when people are in imminent danger or when the sheriff himself is under investigation. Specifically the federal official would have to provide in writing the name of the person to be arrested or searched, a federal warrant, the location, date and time of the action and, when applicable, a description of the property sought. The sheriff could refuse permission for good cause. Permission, if granted, would be valid for 48 hours, and would have to be renewed for each 48-hour period thereafter. Official duty could not be used as an excuse for violations, and anyone aggrieved could file a civil action to obtain appropriate relief.

The U.S. Marshal Service, Bureau of Alcohol Tobacco & Firearms and Federal Bureau of Investigation--the principal federal offenders at Ruby Ridge and Waco--perpetrated some of the largest non-military mass murders in our history. Clearly, they cannot be trusted with the power they now hold. The proposed bill would reduce federal bloodshed, and is entirely within the spirit of the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people."

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